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10/037,178	10/23/2001	Clifton Lind	108-988	6355

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EXAMINER

CAPRON, AARON J

ART UNIT

PAPER NUMBER.

3714

DATE MAILED: 09/02/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/037,178

Applicant(s)

LIND ET AL.

Examiner

Aaron J. Capron

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-14,16-22 and 24-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-14,16-22 and 24-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

This is a response to the Amendment received on June 27, 2003, in which claims 1, 3-6, 10-11, 14, 16-19, 21-22, 24-26, 30, 34, 38 and 41 were amended and claims 2, 15, 23 and 43-47 were cancelled. Claims 1, 3-14, 16-22 and 24-42 are pending.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9, 11, 14, 16-22 and 24-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Schneier et al (U.S. Patent No. 5,871,398; hereafter “Schneier”).

Referring to claims 1 and 3, Schneier discloses a gaming method including the steps of creating a player account for a player, the player having an account balance (11:23-32); receiving a game ticket request from a player, the game ticket request identifying a play quantity, the play quantity comprising a value representing a quantity of game play outcomes to be obtained (9:50-57); determining if the account balance for the player account is sufficient for the play quantity (5:11-14); and in the event that the account balance for the player account is sufficient for the play quantity, applying a number of ticket indicia to a ticket substrate to produce a game ticket, each ticket indicia being directly identifiable, corresponding to a particular one of the game records, and representing the respective game play outcome associated with the particular one of the game records (the ticket being the AGAM: 9:57-10:4). Schneier discloses the step of

applying game play information to the ticket substrate, the game play information being in machine readable form and specifying each game play outcome represented on the game ticket (13:61-14:8 and 1:42-2:7).

Referring to claim 4, Schneier discloses the step of applying the game play information includes applying a first value representing a sequential value correlated to a first game play outcome represented on the game ticket (Figure 10); and applying a second value representing the play quantity (17:53-67).

Referring to claim 5, Schneier discloses the step of applying the game play information includes applying a ticket identifier to the game ticket (14:1-3) and further including the step of recording in a data storage device separate from the game ticket a set of ticket data correlated to the ticket identifier, the set of ticket data identifying each game play outcome represented on the game ticket (Figure 3).

Referring to claim 6, Schneier discloses the steps of distributing the game ticket to the player; reading the game play information from the game ticket at a player terminal (Figure 1); and for at least one game play outcome represented on the game ticket, displaying a graphic game representation indicating the respective game play outcome represented on the game ticket, each respective graphic game representation being displayed in response to a respective player input made after the step of reading the game play information at the player terminal (5:56-6:19).

Referring to claim 7, Schneier discloses the step of displaying the graphic game representation comprises displaying a representation related to a casino type game (5:56-6:19: bingo or poker).

Referring to claim 8, Schneier discloses the steps of deducting a cost associated with each respective game play outcome represented on the game ticket substantially concurrently with the step of applying the ticket indicia to the ticket substrate and adding a payoff amount associated with at least one game play outcome in response to a ticket redemption request initiated by the player (11:23-32 and 20:10-52)

Referring to claim 9, Schneier discloses that each ticket indicia includes an outcome code selected from a set of available codes for a game being played (10:33-58).

Referring to claim 11, Schneier discloses the steps of distributing the game ticket to the player; reading the game play information from the game ticket at a point of sale terminal after the game ticket is distributed to the player; and providing the player with a result of the game ticket after reading the game play information (Figure 8).

Claims 14 and 16-21 correspond in scope to a medium set forth for use of the method listed in claims listed above and are encompassed by use as set forth in the rejection above.

Claims 22 and 24-29 correspond in scope to a medium set forth for use of the method listed in claims listed above and are encompassed by use as set forth in the rejection above.

Claims 30-33 correspond in scope to a method set forth for use of the method listed in claims listed above and are encompassed by use as set forth in the rejection above.

Claims 34-37 correspond in scope to a medium set forth for use of the method listed in claims listed above and are encompassed by use as set forth in the rejection above.

Claims 38-42 correspond in scope to a medium set forth for use of the method listed in claims listed above and are encompassed by use as set forth in the rejection above. Schneier discloses that the player terminal can be physically connected for communication with the ticket

data storage device by being able to be connected to the AT (Figure 1, items 26 and 92, 11:57-12:7) or by directly connecting the CMT (Figure 12). Schneier further discloses the ticket usage information to the CMC in order to keep a player's account accurate by determining whether a ticket on an HTV has been played and was a winner (11:23-32).

Claims 10 and 12-13 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Schneier.

Referring to claim 10, Schneier discloses the step of displaying a prize table in which each outcome code in the set of available outcome codes is associated with a prize level in the game (5:56-6:5 and 1:42-2:9). Furthermore, it would be obvious to include into Schneier a prize table for a casino type game or a pulltab type game in order for the player to determine their own winnings.

Referring to claim 12, Schneier discloses the step of applying a cover material to the ticket substrate, the cover material obscuring each ticket indicia applied to the ticket substrate (5:56-6:5 and 2:10-29). Furthermore, it would be obvious to include into Schneier a cover material covering the ticket indicia and substrate in order to create excitement for the player due to the anticipation of a possible winning outcome.

Referring to claim 13, Schneier discloses the step of applying each ticket indicia to the ticket substrate through a cover material that obscures each respective ticket indicia (5:56-6:5 and 2:10-29).

***Response to Arguments***

Applicant's arguments filed June 27, 2003 have been fully considered but they are not persuasive.

Referring to claim 1, Applicants argue that Schneier does not suggest applying the AGAM on a ticket in both a directly identifiable form and a machine readable form. Claim 1 states "...the game play information being in machine readable form and directly or indirectly specifying each game record...". Schneier discloses that the bar code of the AGAM (game play information, 10:48-52) is machine readable and the bar code directly or indirectly specifies the AGAM, wherein the AGAM is associated with the ticket indicia (since the ticket indicia determines the outcome of a ticket, 9:61-10:4). Further, the claim language states that the game play information either directly or indirectly specifies each game record. Therefore, Applicants' claimed invention fails to preclude Schneier's remote lottery system.

Referring to claim 38, Applicants argue that Schneier does not teach or suggest the player terminal that is connected for communication with the ticket data storage device for communicating ticket usage information. However, Schneier discloses that the player terminal can be physically connected for communication with the ticket data storage device by being able to be connected to the AT (Figure 1, items 26 and 92, 11:57-12:7) or by directly connecting the CMT (Figure 12). Schneier further discloses the ticket usage information to the CMC in order to keep a player's account accurate by determining whether a ticket on an HTV has been played and was a winner (11:23-32). Therefore, Applicants' claimed invention fails to preclude Schneier's remote lottery system.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron J. Capron whose telephone number is (703) 305-3520. The examiner can normally be reached on M-Th 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

ajc



**JESSICA HARRISON  
PRIMARY EXAMINER**